

For a case in which mandamus to direct the Governor to issue a commission under art. 33, sec. 70, of the Code of 1888, was refused because of imperfections in election judges' certificates as to number of votes cast, etc., see *Brown v. Bragunier*, 79 Md. 237.

Cited but not construed in *Dorsey v. Ennis*, 167 Md. 450.

An. Code, 1924, sec. 93. 1912, sec. 85. 1904, sec. 83. 1896, ch. 202, sec. 78. 1906, ch. 544, sec. 83. 1937, ch. 95, sec. 93.

129. If, upon proceeding to canvass the votes, it shall clearly appear to the Canvassing Board for the city or county that in any statement or tally-sheet produced to them certain matters are omitted which should have been inserted, or that any mistakes exist, they shall immediately issue a subpoena to the judges who made said return, and to the clerks (in those precincts in which clerks shall have been appointed) who joined therein, and said judges and clerks shall forthwith attend and shall make such corrections as the facts of the case require, but such changes shall not alter any decision before duly made by them, but shall cause the canvass to be correctly stated; and the said Board of Canvassers are authorized to adjourn from day to day for the purpose of obtaining and receiving such corrected statements, such adjournment not to extend beyond three days.

This section does not authorize canvassers to correct mistakes. No mistake held to have been made. Intention of this section is that such corrections as are authorized by it should be *promptly* made. See notes to sec. 116. *Canvassers of Election v. Noll*, 127 Md. 306.

This section referred to in construing section 119; see notes thereto. *Price v. Ashburn*, 122 Md. 524.

An. Code, 1924, sec. 94. 1912, sec. 86. 1904, sec. 84. 1896, ch. 202, sec. 79.

130. Whenever it shall be made to appear by affidavit that errors have occurred in the determination of the board of canvassers of any county or city in the State, the circuit court of the county or the superior court of Baltimore City may by order require said board to correct such errors or show cause why such corrections should not be made; and in event of the failure of said board to make such corrections, or show cause aforesaid, said court may compel said board by writ of mandamus to correct such errors, and if said board of canvassers shall have made its determination and dissolved, said court may compel it to convene for the purpose of making such corrections. For the purpose of making such corrections as the court shall order, the meeting of the board of canvassers shall be deemed a continuation of its regular session, and the statements and certificates shall be made and filed as the court shall direct, and so far as the same shall vary from the original statements and certificates, the statements and certificates made under the order of court shall stand in lieu thereof, and shall in all cases have the same effect as if such corrected statements had been a part of the original statement required by law. The practice in said cases shall be as in mandamus proceedings, and the court shall determine the time for the speedy hearing thereof, in its discretion; and for the purpose of service of papers and other proceedings the board of canvassers, as organized and existing at the time of making the original canvass, shall be deemed a continuing board. There shall be the same right of appeal as in other mandamus cases, but such appeal shall be taken within five days from the date of the decision complained of, and shall be heard and decided by the court of appeals as soon after the transmission of the record as possible, and the testimony taken in such cases shall be sent up to the court of appeals as part of the record.

Person injured by error of canvassers should appeal to Superior Court to require error to be corrected before applying for mandamus to compel such correction. *Dorsey v. Ennis*, 167 Md. 445.